Francis Marion and Sumter National Forest

Appeal:10-08-12-0018 Georgia Forest Watch

Numbered Item in Appeal	Issue or Sub issue	Alleged Violation of Law, Regulation, or Policy	Record Citation
Page 4 **Issue 1**	Dependence on user created trails and other unofficial trails is not lawful. Use of unauthorized trails and roads is not in compliance with the Trails Management Handbook.	FSH 2309.18, Ch. 3 36CFR 212.1, FSM 2353.05, FSM 2253-22-1, 16 U.S.C. 1608(b)	INDEX 224.0- EA, section 1.3, page 4 INDEX 224.0- EA, section 2.1.4, page 12, Description of trails. INDEX 224.0- EA, App. B, page 168
Page 6 **Issue 2**	Scouting trails are not considered. The EA does not appear to include scouting trails, and so underestimates significantly the number of user-created trails likely to be created if the Upper Chattooga is open to boating.	NEPA	INDEX 224.0- EA, Section 3.1.1 pages 41-42 Alt. 8 and 10, INDEX 224.0- EA, Section 3.3.2 pages 158-159 Alt. 4,5,8,9 and 10 INDEX 225.0- Response to Comments, Comments 208 and 252
Page 6 **Issue 3**	The expense of adding County Line Road and other access facilities cannot be justified.	FSM 2353.03-7,4	INDEX 224.0- EA, section 1.3, page 4 INDEX 224.0- EA, Appendix B Table B-1, INDEX 225.0- Response to Comments, Comments 208, 400

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Pages 7-8 **Issue 4**	The EA and the Decision Notices purport to adopt an adaptive management strategy for the management issues of large woody debris and user encounter levels, but do not include the analysis necessary to support this strategy or the elements necessary to implement it. No desired conditions are described for large woody debris (LWD) management.	APA, NEPA, FSH 1909.15-14.1 FSH 1901.15-50-54.1	INDEX 224.0- EA, Table 2.1.1, INDEX 224.0- EA, page 31, INDEX 237- *Large Wood in the Upper Chattooga River Watershed, November 2007*, INDEX 224.0- EA, Appendix B, Monitoring Question #1, page 170
Page 9 **Issue 5**	The EA does not propose an adequate adaptive management strategy for large woody debris because no specific adjustments are proposed. In order to implement and adaptive management strategy, impacts of alternative management direction must have been considered in the EA. That did not occur here - the adjustments are not even identified for the most part.	APA, NEPA	INDEX 224.0- EA, Table 2.1.4, INDEX 224.0- EA, Section 3.2.3, page 101 INDEX 224.0- EA, Section 3.3.1, Recreation, page 119 INDEX 224.0- EA, Appendix B, Monitoring Question #1, page 170
Page 10 **Issue 6**	The Decision Notices do not include the necessary elements of an adaptive management strategy.	APA, NEPA	INDEX 221, 222.1 & 223.1 Decision Notices, Section 3.0, Decision, INDEX 224.0- EA, 2.1.4, page 12, User Registration INDEX 224.0- EA, Appendix B, pages 169-171

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Pages 10-12 **Issue 7**	Segmentation of NEPA Analysis. It appears that the Forest Service has deliberately omitted discussion of the parking lot from the EA to minimize the anticipated impacts of its chosen alternative. Connected actions should be discussed in the same impact statement.	NEPA, 40CFR 1502.4a 40CFR 1508.25(a)(1)	INDEX 224.0- EA, Sec. 1.3, page 4, INDEX 224.0- EA, Sec. 3.1.1 Table 3.1-9, INDEX 224.0- EA, Sec. 3.1.1, p. 42-46, INDEX 225.0- Response to comments, Comments 102, 223 and 386
Pages 12-14 **Issue 8**	The definition of existing recreational opportunities is too narrow. There is no discussion about regional opportunities for the type of recreational opportunity and experience that the zoning ban has preserved for the last thirty years. Nevertheless, the EA frames the existing condition of recreation opportunities focusing only on the Upper Chattooga. By framing the existing conditions in this way, the EA artificially suggests that boaters are not provided for in the Forest Services recreation system or otherwise in the Southeastern region.	Appeal Decision, NEPA	INDEX 224.0- EA, Section 3.3.1 Recreation pages 128, 130, 134, 138, 142, 147, 150, 154 INDEX 171 -*Capacity and Conflict on the Upper Chattooga* , pages 32 and 33.
Page 15 **Issue 9**	The basis for choosing Alternative 4 is contrary to the Recreation Opportunity Spectrum policy. This basis ignores the ROS policy and pretends that opportunities for boaters regionally and on other segments of the Chattooga are not relevant to evaluating diversity of experience. It results in flattened, less diversified regional recreational opportunity that is precisely contrary to the intent and direction of the ROS policy.	APA, NEPA, FSM 2354.41a	INDEX 224.0- EA, Chapter 2 Range of Alternatives INDEX 224.0- EA, Section 3.3, Recreation, p. 112, INDEX 221, 222.1 & 223.1 Decision Notice 4.0, Rationale for the Decision, INDEX 171 *Capacity and Conflict on the Upper Chattooga* ,

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			pages 32 and 33.
Pages 17-18 **Issue 10**	The Chattooga Corridor is degraded along its length and proposed management changes will increase degradation in violation of Wilderness and Wild and Scenic River management policy and law. Baseline conditions are unacceptable.	WSRA, Wilderness Act, NEPA, APA	INDEX 224.0- EA, Chapter 2, page 8, first 4 paragraphs, INDEX 224.0- EA, Section 3.1.1, Existing Conditions, INDEX 171 *Capacity and Conflict on the Upper Chattooga*, pages 41 - 57, INDEX 233- *Annual Sumter Monitoring Report 2007* pages 32 - 35
Page 19 **Issue 11**	Boating will increase sedimentation more than is indicated in the EA.	NEPA	INDEX 224.0- EA, Table 3.1-5, INDEX 224.0- EA, Section 3.1.1, page 34, INDEX 224.0- EA, Section 3.1.2, page 47, INDEX 224.0- EA, Section 3.1.2, page 50
Page 19 **Issue 12**	Trail character in the Ellicott Wilderness area must be planned and managed in accordance with the wilderness objectives in the three land management plans. User-created trails that the proposed alternative relies on cannot meet the criteria for locating, constructing, and maintaining trails in a wilderness area.	Wilderness Act, LRMP, FSM 2323, FSH 2909.18	INDEX 224.0- EA, page 1, first 2 paragraphs, INDEX 224.0- EA, Table 2.1.1, pages 8-9, INDEX 224.0- EA, Table 2.1.4, page 12; INDEX 221, 222.1 & 223.1 Decision Table 1, page 3

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Page 20 **Issue 13**	Allowing boating on the Upper Chattooga where hemlocks are more common will increase the number and distance of portages, and the temptation to remove LWD.	NEPA	INDEX 224.0- EA, Section 3.1.1, page 30-31, INDEX 224.0- EA, Section 3.2.1 Vegetation, page 64, INDEX 224.0- EA, Appendix B, Monitoring, page 169 INDEX 237- *Large Wood in the Upper Chattooga River Watershed, November 2007*
Page 21-22 **Issue 14**	The Forest Service should have prepared an EIS for this decision based on the Unique Characteristics of the Area, Controversy and Precedential Quality, and Cumulative Impacts.	NEPA	INDEX 221, 222.1 & 223.1 Decision Notice and FONSI
Page 24 **Issue 15**	The EA does not thoroughly examine the issue of cost and budgetary sustainability of the proposed boating policy. The cost to the public to allow boating on the Upper Chattooga has been underestimated.	FSM2353.03-4	INDEX 224.0- EA, Appendix B, Table B-1

Index to Appeal Record 10-08-012-0018 Georgia Forest Watch							
Upper Chattooga River Project - Sumter/Chattahoochee/Nantahala National Forests							
Tab	**Pages**	**Date**	**Document type**	**Title**	**Author**	**Recipient**	**Description**
10							
9	4	11/06/09	letter	GFW's response to AW's request to vacate the stay	Paul Hastings LLP (on behalf of Georgia Forest Watch)	Forest Service (Reviewing Officer)	GFW states that the decision to grant the stay is not subject to review
8	1	11/02/09	letter	Appeal of Decisions for Amendments on the Upper Chattooga River Recreation Management	Forest Service, Southern Region	American Whitewater	Letter granting AW's request to intervene
7	1	10/30/09	Document	Request to intervene	American Whitewater Associaton	Forest Service (Reviewing Officer)	Letter from American Whitewater et. Al requesting to intervene in GFW's appeal
6	8	10/26/09	letter	AWA asks forest Service to deny Georgia ForestWatch ("GFW") Stay Request for Boating Provisions of the Proposal for Management of the Upper Chattooga River, dated October 20,	American Whitewater Associaton	Forest Service	American Whitewater, American Canoe Association, Atlanta Whitewater Club, Georgia Canoeing Association, and Western Carolina Paddlers ("Boating Parties") ask the USFS to deny GFW's Stay Request
5	3	10/26/09	letter	Provisions of the Proposal for Management of the Upper Chattooga River – Project Appeals #10-08-03-0016, 10-08-11-0017, and 10-08-12-	Forest Service, Southern Region	Paul Hastings LLP (on behalf of Georgia Forest Watch)	This information and rationale satisfies the requirements of 36 CFR 219, Optional Appeal Procedures (Section 10) for a stay request.
4	6	10/20/09	letter	Stay Request for Boating Provisions on the Proposal for Management of the Upper Chattooga River	Paul Hastings LLP (on behalf of Georgia Forest	Forest Service	GFW requests a stay of all management activities
3	1	10/27/09	letter	This acknowledges receipt of your electronically filed October 16, 2009, Notice of Appeal (NOA) which will be processed under 36 CFR 219.	Forest Service, Southern Region	Record	Letter to Paul Hasting on behalf of Georgia Forest Watch accepting their timely appeal
2	1	10/18/09	Document	APPEAL NOTICE RECORD Part A - Notification to Responsible	Forest Service	Record	designates who will be responsible for appeal response on FMS

1	26	10/16/09	Appeal	Notice of Appeal	Paul Hastings LLP (on behalf of Georgia Forest	Forest Service	Appeal by Georgia Forest Watch